



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 6 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jim Myers  
Environmental, Safety and Training Manager  
Excel Foundry and Machine, Inc  
14463 Wagonseller Road  
Pekin, Illinois 61555

Re: Excel Foundry and Machine, Inc.  
Pekin, Illinois  
Administrative Consent Order EPA-5-12-113(a)-IL-03

Dear Mr. Myers:

I have enclosed an Administrative Consent Order relating to Excel Foundry and Machine, Inc.'s compliance with Section 112 of the Clean Air Act, 42 U.S.C. § 7412.

Please direct any questions regarding this case to Eleanor Kane of my staff at (312) 353-4840. Any legal questions should be directed to James Morris, Associate Regional Counsel, at (312) 886-6632.

Sincerely,

*Sara Breneman*

Sara Breneman  
Chief  
Air Enforcement and Compliance Assurance (MI/WI)

Enclosure

cc: Ray Pilapil, Manager  
Bureau of Air, Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-12-113(a)-IL-03</b>
	)	
<b>Excel Foundry and Machine, Inc.</b>	)	<b>Proceeding Under Section 113(a)(3)</b>
<b>Pekin, Illinois</b>	)	<b>of the Clean Air Act</b>
	)	<b>42 U.S.C. § 7413(a)(3)</b>

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5 (EPA), is issuing this Order to Excel Foundry and Machine, Inc. (Excel) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

**Statutory and Regulatory Background**

2. Under Section 112 of the Act, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Aluminum, Copper, and Other Nonferrous Foundries, Subpart ZZZZZZ (hereinafter, NESHAP) at 40 C.F.R. §§ 63.11544 through 63.11557. The NESHAP applies to nonferrous foundries that have an annual melt production of at least 600 tons per year of nonferrous metals, and that use nonferrous foundry HAPs, such as elemental nickel or lead.

3. The NESHAP, at 40 C.F.R. § 63.11553(a), requires the owner or operator of an affected source to submit an Initial Notification no later than 120 calendar days after June 25, 2009.

4. The NESHAP, at 40 C.F.R. § 63.11553(b), requires the owner or operator of an existing affected source to submit a Notification of Compliance Status no later than 120 days after June 27, 2011.

### **Findings**

5. Excel owns and operates a nonferrous foundry at 14463 Wagonseller Road, Pekin, Illinois 61555.
6. Excel melts over 600 tons per year of nonferrous metals, and uses material including nonferrous foundry HAPs, such as elemental nickel and lead. Excel is subject to the NESHAP at 40 C.F.R. §§ 63.11544 through 63.11557.
7. Excel failed to submit both the Initial Notification and the Notice of Compliance Status, as required by the NESHAP at 40 C.F.R. § 63.11553(a) and (b)

### **Compliance Program**

8. No later than 60 days after the effective date of this Order, Excel must submit both an Initial Notification and a Notification of Compliance Status, as required by the NESHAP, to the Illinois Environmental Protection Agency.
9. No later than 120 days after effective date of this Order, Excel must submit an application to the Illinois Environmental Protection Agency for a modification of its operating permit to include compliance with the NESHAP.
10. Concurrent with its submittals pursuant to paragraphs 8 and 9, Excel must send a copy of all documents submitted pursuant to those paragraphs to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

11. This Order constitutes the entire agreement between the parties.
12. This Order does not affect Excel's responsibility to comply with other federal, state and local laws.
13. This Order does not restrict EPA's authority to enforce provisions of the NESHAP, or any other section of the Act.
14. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for Excel's violation of the NESHAP.
15. Failure to comply with this Order may subject Excel to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.
16. The terms of this Order are binding on Excel, its assignees, and successors. Excel must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.
17. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.
18. This Order will terminate two years from the effective date, provided that Excel has complied with all terms of the Order throughout its duration.
19. Each person signing this Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
20. Each party agrees to pay its own costs and attorneys' fees in this action.

21. This Order is effective on the date of signature by the Acting Director of the Air and Radiation Division, and shall terminate upon the receipt of the submittals delineated in paragraphs 8 through 10 of the Order.

5/23/12  
Date

Jim Myers  
Jim Myers  
Environmental, Safety and Training Manager  
Excel Foundry and Machine, Inc.

6/6/12  
Date

George T. Czerniak  
George T. Czerniak  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent the Administrative Consent Order,

EPA Order No. EPA-5-12-113(a)-IL-03, by certified mail, return receipt requested, to:

Jim Myers  
Environmental, Safety and Training Manager  
Excel Foundry and Machine, Inc  
14463 Wagonseller Road  
Pekin, Illinois 61555

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No.

EPA-5-12-113(a)-IL-03, by first-class mail to:

Ray Pilapil, Manager  
Bureau of Air, Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

On the 8 day of June 2012.

Loretta Shaffer

Office Automation Clerk  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9369